

Michael S. Mostow

Partner

What do complex environmental transactions, environmental insurance, CERCLA defense, RCRA counseling, addressing chemical explosions, and public/private partnerships have in common? Michael Mostow. Across the country, Michael has helped clients buy, sell, lease, and develop contaminated real estate.

Some of his earliest work involved convincing liability insurance carriers to pay for the cost of environmental cleanup, and that background informed his negotiation of environmental insurance policies for his clients. Whether referred to as pollution legal liability, environmental impairment, or remediation liability, if you're not negotiating the terms of these insurance policies, you're giving the insurance carrier a greater opportunity to deny coverage.

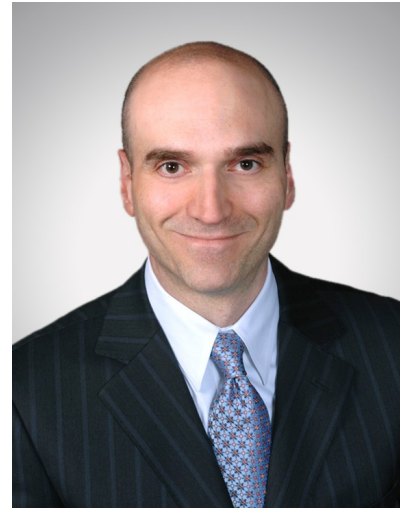
Michael describes himself as a "dirt lawyer." In addition to his transactional practice, he helps clients economically clean up polluted property, working with federal and state mandatory and voluntary programs, and defends clients from cleanup actions, whether arising under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA/Superfund), the Resource Conservation and Recovery Act (RCRA), or state law. Hazardous waste management and remediation round out Michael's dirt practice. Michael helps clients comply with RCRA generator, transporter, and treatment, storage, and disposal regulations, as well as RCRA closure and corrective action.

His representation of clients in complicated, multi-party, government-involved transactions and negotiations led to Michael representing private parties in the structure and negotiation of public/private partnerships (PPP or P3). Michael works with other members of Quarles & Brady's experienced PPP/P3 team on public/private infrastructure projects, focusing primarily on drafting, permitting, and insurance.

Michael is a member of the firm's Energy, Environmental and Natural Resources Group.

Representative Experience:

- Negotiating environmental terms in real estate purchases, sales, and leases across the U.S.;
- Negotiating environmental terms in asset and M&A deals across the U.S.;
- Negotiating pre-existing conditions environmental insurance policies for sites across the U.S.;



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- Negotiating new conditions environmental insurance policies at numerous U.S. airports;
- Negotiating a new conditions pollution legal liability policy covering 100+ operating sites in the U.S. and internationally;
- Obtaining RCRA notice of completion for corrective action requirements at a steel mill as a precursor to the sale of the facility, and negotiating the environmental terms of the sale;
- Representing client in purchase and redevelopment of former oil refinery and RCRA treatment, storage, and disposal facility;
- Negotiating and drafting all agreements for total risk transfer to environmental contractor and insurance company of CERCLA liabilities;
- Obtaining certificate of completion in RCRA closure and corrective action order;
- Negotiating transfer of federal-lead properties subject to CERCLA administrative orders to state voluntary program;
- Serving as common counsel to CERCLA PRP group at Superfund site;
- Serving as trustee of trust responsible for remediation of CERCLA Superfund site;
- Representing manufacturer in Great Lakes Legacy Act mediation regarding the remediation of river sediments;
- Defending chemical manufacturer in enforcement action stemming from chemical explosion and release;
- Counseling regarding RCRA and Clean Water Act (CWA) compliance and defense of RCRA and CWA enforcement actions;
- Counseling regarding asbestos abatement and drafting comments to and testifying before a state commission considering draft asbestos regulations;
- Negotiating CERCLA consent decree and administrative order terms and assisting clients in compliance therewith;
- Representing paper manufacturer in CERCLA lawsuit concerning the multimillion-dollar cleanup of polychlorinated biphenyl in a riverbed;
- Representing clients in claims against insurance carriers under commercial and pollution liability insurance policies;
- Representing private sector parties in public/private projects to construct and operate river-spanning toll bridges;
- Defending toxic tort action involving contamination of residential drinking water wells; and
- Negotiating United States Army Corps of Engineers' withdrawal of asserted jurisdiction over "naturalized" abandoned quarry.

Legal Services

- Energy, Environment & Natural Resources
 - Brownfield Development

- Due Diligence and Risk Assessment in Transactions
- Emergency Response & Compliance Counseling
- Insurance – Policy Negotiation and Claims Litigation
- Remediation – Superfund and Sediments
- Infrastructure and Public-Private Partnerships
- Insurance Coverage Litigation
- Financial Institutions Litigation

Education and Honors

- Northwestern University School of Law (J.D., 1991)
- University of Illinois at Urbana-Champaign (B.A., *magna cum laude*, 1987)
 - Bronze Tablet (Top 3%) from the University of Illinois (Recipient)

Bar Admissions

- Illinois

Court Admissions

- U.S. District Court, Eastern District of Wisconsin, 1993
- U.S. District Court, Northern District of Illinois, 1991

Professional and Civic Activities

- Chicago Bar Association, chair, 2009-2011, former Legislative Liaison of Environmental Law Committee
- American Bar Association, member
- Illinois State Bar Association, member
- Leading Lawyers Network, member
- Center for Enriched Living, board member

Professional Recognition

- *Law Bulletin Media*, Illinois Leading Lawyer, Environmental, Insurance, Insurance Coverage & Reinsurance, 2017–present
- *The Best Lawyers in America*®, Environmental Law, 2017–present
- *Illinois Super Lawyers*®, Environmental, 2006–present
- *Martindale-Hubbell AV*® Peer Review Rated